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DCI/ICS 3853-84
21 June 1984

Twine
MEMORANDUM FOR: ~~Eloise R. Page~~
Chairman, Critical Intelligence Problems Committee

FROM: 
Vice Chairman, Critical Intelligence Problems Committee

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SUBJECT: Narcotics Working Group Panel Report

1. Attached is the final report to the CIPC principals of the panel on the use of classified information by drug enforcement agencies.
2. As the report explains, its work was overtaken by events, and several key issues are now being explored in other forums.
3. However, I believe it is important to acknowledge the work of this panel and to make its findings a matter of record.
4. Therefore, I recommend you sign the correspondence transmitting this report to the CIPC principals.

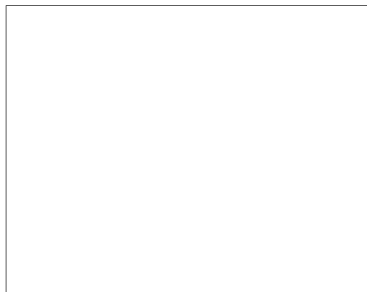


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Attachment: As stated



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SUBJECT: Narcotics Working Group Panel Report

Distribution: DCI/ICS 3853-84 w/att. [redacted]

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DCI/ICS/CIPC, [redacted]

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CIPC Panel on the Use of Classified Information by
Drug Enforcement Agencies:

A Report by the Acting Chairman

BACKGROUND

The deliberations of the CIPC's Narcotics Working Group led to production of the International Narcotics Coordination and Collection Study, as approved and promulgated by the DCI in February 1984. During these deliberations, the CIPC established a separate interagency panel to recommend policies for the Intelligence Community that would enhance the flow of intelligence concerning narcotics to designated US law enforcement agencies, while protecting the security of the information and of intelligence sources and methods. []

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The panel was asked to focus on three specific topics:

- security standards used by drug enforcement agencies,
- protection of sources and methods against indirect compromise, and
- use of intelligence and intelligence-derived information for law enforcement investigations. []

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In response to this charge, a nine member panel--originally consisting only of representatives from the Intelligence Community--commenced meeting in September 1983. The panel later was augmented by law enforcement representatives. []

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In the course of the panel's work, a number of events occurred which resulted in some of the issues being shifted to other forums. In addition, through an educational dialogue with law enforcement representatives, a number of perceptions changed and some issues became non-problems. In other words, the panel's work was overtaken by a variety of events. Nonetheless, there is utility in describing some of the panel's work and reporting on some of its findings to make them available for future reference. []

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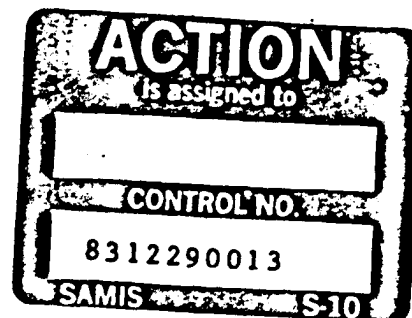
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THE WHITE HOUSE
WASHINGTON

December 14, 1983



MEMORANDUM FOR THE HONORABLE ELIZABETH H. DOLE
The Secretary of Transportation

SUBJECT: Security Classification Guide Relating to
International Narcotics Trafficking

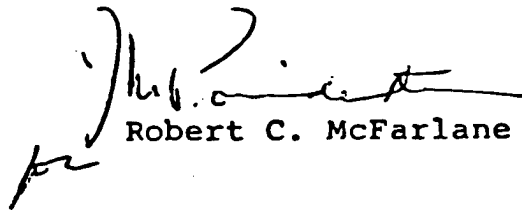
I very much appreciate your concern about what the U.S. Coast Guard sees as an apparent disparity between Executive Orders 12333 and 12356. Specifically, you seem to question why all sensitive information related to international drug trafficking, referenced in E.O. 12333, cannot be classified under E.O. 12356.

In response, I have had our staff review the two Executive Orders, and, while there is considerable overlap, we do not believe them to be contradictory. E.O. 12333 reflects the Administration's concern that the tools of our foreign intelligence gathering apparatus be utilized to our greatest lawful advantage. Included in that Order is authority to utilize existing intelligence capabilities in the fight against international drug trafficking. E.O. 12356 reflects several different goals concerning our administrative and judicial experiences with the prior information security system. However, as repeatedly expressed by the President and others within the Administration, the purposes behind E.O. 12356 were clearly not intended to expand the breadth of permissible classification. In regard to the classification system, E.O. 12356 is controlling.

As a result, some of the information produced or gathered by the Coast Guard in its operations concerning international narcotics trafficking may be classified, and some may not. Information relating to international narcotics trafficking in and of itself may not be classified because it is not within an assigned classification category. Its protection would be dependent upon other administrative or statutory mechanisms, including the "law enforcement information" exemption to the Freedom of Information Act. This distinction between law enforcement and national security information is routinely recognized by other agencies, including the Federal Bureau of Investigation, even in matters that involve international criminal activity.

On the other hand, when such information is derived from or linked to other information within an existing classification category, it may be classified, assuming the other tests for classification in E.O. 12356 are also met. Among possible examples are Coast Guard information that is linked to the operations of the Intelligence Community in gathering foreign intelligence or in counterintelligence; to a sensitive national defense objective carried out in conjunction with narcotics interdiction; or references to a foreign official or government that would impact adversely on our foreign relations.

To help draw these distinctions, I recommend that the Coast Guard continue to work closely with the Information Security Oversight Office (ISOO). Our own experience is that ISOO has been reasonable and flexible in seeking to resolve disputes within the executive branch regarding the application of the classification system.



Robert C. McFarlane

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